

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2020 SEP -9 PM 1:09

UNITED STATES OF AMERICA,	:	CASE NO.: 1:20-CR-060
	:	
Plaintiff,	:	JUDGE BARRETT
	:	
	:	<u>SUPERSEDING</u>
v.	:	<u>INDICTMENT</u>
	:	
	:	21 U.S.C. § 841(a)(1)
DAVID KEMP,	:	21 U.S.C. § 841(b)(1)(B)(vi)
aka Powder,	:	21 U.S.C. § 846
	:	
	:	
Defendant.	:	NOTICE OF FORFEITURE
	:	
	:	

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Distribution and Attempt to Distribute a Controlled Substance)

On or about May 14, 2019, within the Southern District of Ohio, and elsewhere, the defendant, **DAVID KEMP aka Powder**, knowingly and intentionally distributed and attempted to distribute a mixture and substance containing an amount of fentanyl, a Schedule II controlled substance, in excess of 40 grams.

Before **DAVID KEMP aka Powder** committed the offense charged in this Count, he had one final conviction for a serious drug felony, namely, a conviction for Possession with the Intent to Distribute Cocaine, in the Southern District of Ohio, for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vi) and 846.

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses set forth in Count One of this Indictment, the defendant, **DAVID KEMP aka Powder**, shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation(s); and (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation(s).

SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the value of the property described above.

A TRUE BILL



GRAND JURY FOREPERSON

DAVID M. DEVILLERS
UNITED STATES ATTORNEY


TIMOTHY D. OAKLEY

 **JENNIFER K. WEINHOLD**

JACQUELINE STACHOWIAK
ASSISTANT UNITED STATES ATTORNEYS